

SENATE BILL NO. 50

INTRODUCED BY M. WATERMAN

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ALL STATE-OWNED AND STATE-OCCUPIED BUILDINGS AND ALL BUILDINGS LEASED AND OCCUPIED ONLY BY THE STATE BE ~~SMOKE-FREE~~ SMOKE-FREE BY JULY 1, 2002 CERTAIN DATES; REQUIRING THAT IN BUILDINGS LEASED AND OCCUPIED PARTIALLY BY THE STATE, AGENCY HEADS MAKE THE PORTIONS OCCUPIED BY THE STATE SMOKE-FREE BY A CERTAIN DATE; ENCOURAGING THAT STATE AGENCIES WORK TO MAKE ~~ALL OR MAJOR PORTIONS OF THE BUILDINGS SMOKE-FREE~~ SMOKE-FREE BY JULY 1, 2002; PROVIDING STATE POLICY; REVISING DEFINITIONS; AMENDING SECTIONS 50-40-202 AND 50-40-203, MCA; ~~AND REPEALING SECTIONS 50-40-204, 50-40-205, AND 50-40-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-40-202, MCA, is amended to read:

"50-40-202. Public policy. In recognition of the increased health hazards of passive smoke on the nonsmoker; and in recognition of recent studies showing that secondhand smoke is more injurious to nonsmokers than it was thought to be in the past, it is the declared public policy of the state of Montana that ~~certain~~ buildings both owned and occupied by the state ~~may~~ and buildings leased and occupied only by the state be smoke-free by the date DATES provided in [section 3]. ~~It is further the policy of the state that designated smoking areas be established in certain other state buildings pursuant to 50-40-204.~~"

Section 2. Section 50-40-203, MCA, is amended to read:

"50-40-203. Definitions. As used in 50-40-202 ~~through 50-40-205,~~ [section 3], and this section, the following definitions apply:

(1) "Agency head" means a director, commissioner, or constitutional officer in charge of an executive, legislative, or judicial branch agency or of an agency of the Montana university system.

~~(2) "Designated smoking area" means an enclosed, comfortable area that maintains adequate~~

1 ~~ventilation to minimize the circulation of smoke to surrounding areas and that has been designated as a~~
2 ~~smoking area under 50-40-204.~~

3 ~~(3)(2)~~ "Smoke" means ~~any~~ smoke from a lighted cigar, cigarette, or pipe or any other
4 lighted tobacco product."

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6 NEW SECTION. Section 3. State buildings to be smoke-free. Buildings owned and occupied by
7 the state ~~and buildings leased and occupied only by the state~~ must be smoke-free ~~as soon as practicable,~~
8 ~~but no later than July 1, 2002~~ ON [THE EFFECTIVE DATE OF THIS ACT]. BUILDINGS LEASED AND OCCUPIED ONLY BY
9 THE STATE MUST BE SMOKE-FREE AS SOON AS PRACTICABLE BUT NO LATER THAN JULY 1, 2001. In buildings leased
10 and occupied by the state and another entity, agency heads SHALL MAKE THE PORTIONS OF THE BUILDINGS
11 OCCUPIED BY THE STATE SMOKE-FREE AS SOON AS PRACTICABLE BUT NO LATER THAN JULY 1, 2001, AND are
12 encouraged to work with building owners and other tenants to make ~~all or major portions of~~ the buildings
13 smoke-free ~~by July 1, 2002.~~

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15 NEW SECTION. Section 4. Repealer. Sections 50-40-204, 50-40-205, and 50-40-206, MCA, are
16 repealed.

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18 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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